

**Introduced by Senator Lieu**

February 22, 2012

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An act to amend Section ~~7503~~ 4980.54 of the Business and Professions Code, relating to ~~repossessors~~ *healing arts*.

LEGISLATIVE COUNSEL'S DIGEST

SB 1183, as amended, Lieu. ~~Repossessors: licensure. Marriage and family therapists: continuing education.~~

*Existing law provides for the licensure and regulation of marriage and family therapists by the Board of Behavioral Sciences and imposes continuing education requirements for license renewal. Existing law requires the board to approve continuing education providers and authorizes the board to revoke or deny the right of a provider to offer coursework if the provider fails to comply with specified requirements.*

*This bill would prohibit training regarding sexual orientation change efforts from being included in the approved continuing education coursework.*

~~Existing law, the Collateral Recovery Act, authorizes the Bureau of Security and Investigative Services to license and regulate the persons engaged in the business of repossessing personal property. Existing law provides that a person who declares as true any material matter relative to the submission of an application for licensure, a qualification certificate, or application for registration that he or she knows to be false is guilty of a misdemeanor, and requires an applicant to sign his or her application for licensure and qualification certificate.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 4980.54 of the Business and Professions*

2     *Code is amended to read:*

3     4980.54. (a) The Legislature recognizes that the education and  
4     experience requirements in this chapter constitute only minimal  
5     requirements to assure that an applicant is prepared and qualified  
6     to take the licensure examinations as specified in subdivision (d)  
7     of Section 4980.40 and, if he or she passes those examinations, to  
8     begin practice.

9     (b) In order to continuously improve the competence of licensed  
10    marriage and family therapists and as a model for all  
11    psychotherapeutic professions, the Legislature encourages all  
12    licensees to regularly engage in continuing education related to  
13    the profession or scope of practice as defined in this chapter.

14    (c) Except as provided in subdivision (e), the board shall not  
15    renew any license pursuant to this chapter unless the applicant  
16    certifies to the board, on a form prescribed by the board, that he  
17    or she has completed not less than 36 hours of approved continuing  
18    education in or relevant to the field of marriage and family therapy  
19    in the preceding two years, as determined by the board.

20    (d) The board shall have the right to audit the records of any  
21    applicant to verify the completion of the continuing education  
22    requirement. Applicants shall maintain records of completion of  
23    required continuing education coursework for a minimum of two  
24    years and shall make these records available to the board for  
25    auditing purposes upon request.

26    (e) The board may establish exceptions from the continuing  
27    education requirements of this section for good cause, as defined  
28    by the board.

29    (f) The continuing education shall be obtained from one of the  
30    following sources:

31    (1) An accredited school or state-approved school that meets  
32    the requirements set forth in Section 4980.36 or 4980.37. Nothing  
33    in this paragraph shall be construed as requiring coursework to be  
34    offered as part of a regular degree program.

1 (2) Other continuing education providers, including, but not  
2 limited to, a professional marriage and family therapist association,  
3 a licensed health facility, a governmental entity, a continuing  
4 education unit of an accredited four-year institution of higher  
5 learning, or a mental health professional association, approved by  
6 the board.

7 (g) The board shall establish, by regulation, a procedure for  
8 approving providers of continuing education courses, and all  
9 providers of continuing education, as described in paragraphs (1)  
10 and (2) of subdivision (f), shall adhere to procedures established  
11 by the board. The board may revoke or deny the right of a provider  
12 to offer continuing education coursework pursuant to this section  
13 for failure to comply with the requirements of this section or any  
14 regulation adopted pursuant to this section.

15 (h) Training, education, and coursework by approved providers  
16 shall incorporate one or more of the following:

17 (1) Aspects of the discipline that are fundamental to the  
18 understanding or the practice of marriage and family therapy.

19 (2) Aspects of the discipline of marriage and family therapy in  
20 which significant recent developments have occurred.

21 (3) Aspects of other disciplines that enhance the understanding  
22 or the practice of marriage and family therapy.

23 (i) *Training, education, or coursework by approved continuing*  
24 *education providers shall not include sexual orientation change*  
25 *efforts. For purposes of this subdivision, sexual orientation change*  
26 *efforts, also known as conversion therapy or reparative therapy,*  
27 *means practices aimed at changing an individual's sexual*  
28 *orientation.*

29 (i)

30 (j) A system of continuing education for licensed marriage and  
31 family therapists shall include courses directly related to the  
32 diagnosis, assessment, and treatment of the client population being  
33 served.

34 (j)

35 (k) The board shall, by regulation, fund the administration of  
36 this section through continuing education provider fees to be  
37 deposited in the Behavioral Sciences Fund. The fees related to the  
38 administration of this section shall be sufficient to meet, but shall  
39 not exceed, the costs of administering the corresponding provisions  
40 of this section. For purposes of this subdivision, a provider of

1 continuing education as described in paragraph (1) of subdivision  
2 (f) shall be deemed to be an approved provider.

3 ~~(k)~~

4 (l) The continuing education requirements of this section shall  
5 comply fully with the guidelines for mandatory continuing  
6 education established by the Department of Consumer Affairs  
7 pursuant to Section 166.

8 ~~SECTION 1. Section 7503 of the Business and Professions~~  
9 ~~Code is amended to read:~~

10 ~~7503. An application for a repossession agency license shall~~  
11 ~~be made in writing to, and filed with, the bureau in the form that~~  
12 ~~may be required by the director and shall be accompanied by the~~  
13 ~~original license fee prescribed by this chapter. The director may~~  
14 ~~require the submission of any other pertinent information, evidence,~~  
15 ~~statements, or documents.~~

16 ~~Every application for a repossession agency license shall be~~  
17 ~~signed by the applicant and state, among other things that may be~~  
18 ~~required, the name of the applicant and the name under which the~~  
19 ~~applicant will do business, the location by number and street and~~  
20 ~~city of the office of the business for which the license is sought,~~  
21 ~~and the usual business hours the business will maintain. An~~  
22 ~~applicant who declares as true any material matter pursuant to this~~  
23 ~~section that he or she knows to be false is guilty of a misdemeanor.~~  
24 ~~The residence address, residence telephone number, and driver's~~  
25 ~~license number of each licensee, principal owner of each licensee,~~  
26 ~~and any applicant for a license, if requested, shall be confidential~~  
27 ~~pursuant to the Information Practices Act of 1977 (Chapter 1~~  
28 ~~(commencing with Section 1798) of Title 1.8 of Part 4 of Division~~  
29 ~~3 of the Civil Code) and shall not be released to the public.~~

30 ~~No license shall be issued in any fictitious name which may be~~  
31 ~~confused with or which is similar to any federal, state, county, or~~  
32 ~~municipal governmental function or agency, or in any name that~~  
33 ~~may tend to describe any business function or enterprise not~~  
34 ~~actually engaged in by the applicant, or in any name that is the~~  
35 ~~same as or so similar to that of any existing licensee as would tend~~  
36 ~~to deceive the public, or in any name that would otherwise tend~~  
37 ~~to be deceptive or misleading.~~

38 ~~The application form shall contain a statement informing the~~  
39 ~~applicant that a false or dishonest answer to a question may be~~

- 1 ~~grounds for denial or subsequent suspension or revocation of a~~
- 2 ~~repossession agency license.~~

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